

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13150 of Samuel Stancil and James F. Holder , pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the court width requirements (Sub-section 5305.1 and Paragraph 7107.22) for a proposed addition to a non-conforming structure (restaurant) in a C-3-B District at the premises 912 6th Street, N.W., (Square W-484, Lot 817).

HEARING DATE: January 23, 1980
DECISION DATE: February 6, 1980

FINDINGS OF FACT:

1. The subject property is located on the west side of 6th Street, between L Street to the south and K Street to the north in a C-3-B Zone District at premises known as 912 6th Street, N.W.
2. The site is twenty five feet by eighty-four feet in dimension with 2,100 square feet of land area. It is rectangular in shape and is developed with a two story brick structure, previously used as a computer security business.
3. The existing structure occupies nearly all of the lot except for a walk way along the southern lot line which leads to a 12.5 by 15.3 foot court area on the side entrance of the building. This entrance serves as an emergency exit to 6th Street.
4. The applicant proposes a rear addition to the structure, to include a kitchen. This addition would allow the applicant to expand an existing restaurant use.
5. To the north abutting the subject site is a one-story semi-detached structure occupied by the Wells Fargo Security Co. To the east across 6th Street is Hoffmans Funeral Home and two row dwellings in the C-3-B District. To the southeast across 6th Street is the Speedy Rubber Stamp Co., in the SP-2 District. To the south adjacent to the site on the northwest corner of 6th and L Streets is an auto repair garage in the C-3-B District. To the west is the American Security and Trust Building adjacent to the rear wall of the subject premises in the C-3-B District.

6. The Phoenix I Restaurant and Disco has been in operation at the subject site for the past two years with the bulk of the restaurant's day time business serving lunch to the occupants of surrounding office buildings.

7. The applicant testified that the requested addition will allow for the expansion of a kitchen facility currently heating cold sandwiches in a microwave oven into a fully equipped kitchen capable of the preparation of a variety of dishes.

8. The restaurant seats 157 persons and operates from 11:00 a.m. to 3:00 p.m., Monday through Friday. With the expansion of this facility, the applicant also proposes to serve an evening meal.

9. The disco hours are Thursdays from 9:00 p.m. to 1:00 a.m., Fridays 5:30 p.m. to 3:00 a.m., Saturdays 10:00 p.m. to 3:00 a.m., and Sundays by special group reservations only.

10. The applicant testified that the western half of the premises was built in 1890 and the eastern most portion was built prior to the adoption of the 1958 Zoning Regulations.

11. The Zoning Regulations require that an open court have a minimum of thirty feet in the C-3-B Zone District. The premises has an existing open court of 5.5 feet, and is thus a non-conforming structure.

12. The addition proposed by the applicant does not in any way increase the degree of the non-conformity.

13. There was no report from Advisory Neighborhood Commission 2C on this application.

14. The Office of Planning and Development by report dated January 16, 1980 and testimony at the time of public hearing recommended approval of the application. The OPD found that the non-conformity of the structure relates to its physical layout at the time of adoption of the Zoning Regulations; and that compliance with the open court width requirements, given the lot's narrow width, creates a difficulty in developing the site in strict compliance with said Zoning Regulations. The Board so finds.

15. There was no opposition to the granting of this application.

CONCLUSIONS OF LAW AND OPINION:


Based on the foregoing Findings of Fact and the evidence of record, the Board is of the opinion that the requested variance is an area variance, the granting of which requires the showing of a practical difficulty for the applicant in developing the site in strict compliance with the Zoning Regulations. The Board concludes

that the physical layout of the structure at the time of adoption of the present Zoning Regulations and the width of the lot creates such a difficulty. The proposed addition in no way increases the degree of non-conformity. The Board further concludes that the requested variance will not cause substantial detriment to the public good, nor impair the intent, purpose, and integrity of the Zoning Regulations and Map. Accordingly, it is hereby ORDERED that this application is hereby GRANTED.

VOTE: 3-0 (William F. McIntosh, Connie Fortune and Leonard L. McCants to grant; Charles R. Norris not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 7 APR 1980

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLES WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT".